

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1211 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
MOHMAD ASLAM HAJI ABDUL RAHIM

Versus

STATE OF GUJARAT

-----  
Appearance:

MR JITENDRA M PATEL for Petitioner

MR KC SHAH, ADDL.G.P. for Respondent No. 1, 2

-----  
CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 28/10/96

ORAL JUDGEMENT

Rule. Mr.K.C.Shah, learned A.G.P. waives service of Rule on behalf of the Respondents.

This matter is taken up for final hearing today itself.

The petitioner's father had a licence to run the shop dealing in essential commodities. However, on account of the death of the then Chief Minister the shop

remained closed on 17.2.1994 and thereafter on account of petitioner's father's sickness the shop was closed for a further period of two days. He, therefore, could not maintain the Stock Register for the said period. Besides the licence was also ultimately renewed and therefore there was no breach.

As against this the Appellate Authority has come to the conclusion that there were some lapses on the part of the petitioner. He, however, concluded that there were reasons for the petitioner for not getting the licence renewed. He, therefore, directed modification in the order passed by the Additional Collector, Dabhoi on 25.4.1994 and instead of confiscation of the stock of the value of Rs.14,338.59 ps., the Appellate Authority directed the confiscation of 50% of the amount, viz. to the extent of Rs.7,169/-.

I have heard the learned Advocate for the petitioner and the learned A.G.P. for the State. On going through the lapses it does appear, even as observed by the Appellate Authority, that they are quite technical in nature and some reduction in the confiscation amount is required to be made for the ends of justice. In the facts of the case, therefore, the impugned order passed by the Appellate Authority on 20.12.1995 is modified by reducing the confiscation amount from Rs.7,169/- to Rs.5000/-.

Rule made absolute only to the aforesaid extent.  
No order as to costs.

\* \* \* \* \*